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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,492	12/08/2000	Mo-Han Fong	NTL-3.2.170/3654(11852RMU	2393
35437	7590	11/29/2005	EXAMINER HARPER, KEVIN C	
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO 666 THIRD AVENUE NEW YORK, NY 10017			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/733,492	<b>Applicant(s)</b> FONG ET AL.	
	<b>Examiner</b> Kevin C. Harper	<b>Art Unit</b> 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10/3/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 and 24-26 is/are allowed.
- 6) ☒ Claim(s) 1,2,6-15,20-23,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments, filed October 3, 2005 have been fully considered and are persuasive. Therefore, the previous rejection has been withdrawn and the finality of the previous office action has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rasanen. The indicated allowability of claims 9-15, 20-23 and 28 is withdrawn in view of the newly discovered reference(s) to Rasanen.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 6, 9-12 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen (WO 99/59354) in view of Antonio et al. (US 2002/0064142).

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1. Regarding claims 1, 6, 9-12 and 27-28, Rasanen discloses a method of providing wireless data communication at a control entity (fig. 5, RNC/IWU and MSC/IWF). The method comprises receiving data, selecting one of a centralized mode and a distributed mode (fig. 5, item 413 and 512), implementing when centralized mode is selected all operations of a layer 2 protocol to deliver data (page 12, lines 1-5) to at least one transceiver device (fig. 5, MS/TAF), and when distributed mode is selected, implementing only a portion of operations of the layer 2 protocol (page 12, lines 10-21) to deliver data to the transceiver device which includes a portion of the centralized protocol (note: only LAC processing is performed). Further regarding claims 9 and 12, the data is transmitted on a physical link (fig. 5, items 414 and 501). Further regarding claims 27-28, the apparatus of Rasanen (fig. 5, RNC/IWU and MSC/IWF) has means (items 510-512 and 410-413) for performing the method.

2. However, Rasanen does not disclose that the data is in accordance with a layer 3 protocol. Antonio discloses IP packets (layer 3) used in a wireless network (para. 31, line 13). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to receive layer 3 packets in the invention of Rasanen in order to provide compatibility with a well known and standardized protocol (Antonio, para. 31, lines 9-11).

Claims 2, 7-8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen in view of Antonio as applied to claims 1 or 9 above, and further in view of Widegren et al. (US 6,374,112).

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen (WO 99/59354), Antonio et al. (US 2002/0064142) and Widegren et al. (US 6,374,112).

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3. Regarding claims 20-22, Rasanen in view of Antonio discloses the limitations as rejected in claims 1 and 9 above, except that Rasanen in view of Antonio does not disclose a buffer for receiving data according to a centralized mode or distributed mode. Widegren discloses a buffer for an apparatus (fig. 7, item 246). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a buffer in the device of Rasanen in view of Antonio in order to temporarily delay data packets for proper processing (col. 15, lines 19-20).

4. Regarding claim 2, Rasanen in view of Antonio does not disclose receiving SDUs. Widegren disclose receiving SDUs (item 244; col. 14, lines 53-54). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to receive SDUs in the invention of Rasanen in view of Antonio in order to properly process the transmitted data (Widegren, col. 14, lines 57-62).

5. Regarding claims 7-8, 13-15 and 23, Rasanen in view of Antonio does not disclose redelivering the data to the device or assigning a sequence number to each byte of data. Widegren discloses redelivering data (item 244) and sequencing data (item 232; col. 14, lines 51-52). Therefore, it would have been obvious to one skilled in the art to redeliver data or sequence data in the invention of Rasanen in view of Antonio in order to ensure packets are received at the destination properly (Widegren, col. 14, lines 31-32 and 47-50).

***Allowable Subject Matter***

6. Claims 16-19 and 24-26 are allowed.

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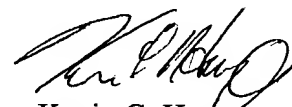
7. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is [kevin.harper@uspto.gov](mailto:kevin.harper@uspto.gov).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

November 26, 2005